

PROB 12C

United States District Court

for

WESTERN DISTRICT OF TEXAS

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Fermin Gonzalez-Sanchez

Case Number: A-17-CR-220(01) LY

Name of Sentencing Judicial Officer: Honorable Lee Yeakel, United States District Judge

Date of Original Sentence: September 19, 2017

Original Offense: Illegal Reentry into the United States, in violation of 8 U.S.C. § 1326(a) & (b)(1)

Original Sentence: Fifteen (15) months custody, followed by 3 years supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: November 21, 2018

Assistant U. S. Attorney: Alan M. Buie

Defense Attorney: Jose Gonzalez-Falla

PREVIOUS COURT ACTION

None.

PETITIONING THE COURT

☒ [X] To issue a warrant

☐ [] To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation of Mandatory Condition No. 1 : “The defendant shall not commit another federal, state, or local crime during the term of supervision.”

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Violation Standard Condition No. 17: “If the defendant is excluded, deported, or removed upon release on probation or supervised release, the term of supervision shall be a non-reporting term of probation or supervised release. The defendant shall not illegally re-enter the United States. If the defendant is released from confinement or not deported, or lawfully re-enters the United States during the term of probation or supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.”

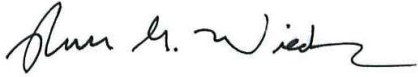
Nature of Non-compliance: On or about November 21, 2018, the defendant was formally removed from the United States to Mexico following his release from imprisonment on November 21, 2018, under Case No. 1:17CR220 (01) LY and began his 3-year term of supervised release. On or about August 25, 2021, in the Western District of Texas, the defendant, a citizen of Mexico, was arrested by the Austin Police Department for Assault, Family Violence. An Indictment was filed on September 14, 2021, in the 390th Judicial District Court of Travis County, Case No. D-1-DC-21-204662 and remains pending. According to the Affidavit for Warrant of Arrest, officers responded to an assault reported by the victim’s adult son. Upon arrival at the residence, the victim, Patricia Martinez-Hernandez, reported that during an argument with her common-law spouse, Fermin Gonzalez-Sanchez, he grabbed her by her shirt and pulled her to the ground. She stated that she fell on her back, causing her pain. Once Martinez was on the ground, Gonzalez-Sanchez, sat on the couch and waited for law enforcement to arrive. Gonzalez-Sanchez told officers that the two engaged in a verbal argument, but he denied any physical altercation occurred. The defendant was encountered by immigrations officials at the Travis County Jail subsequent to his arrest for the aforementioned arrest. During questioning, the defendant stated that he illegally entered the United States on an unknown date and location. An investigation revealed the defendant is a citizen of Mexico who had previously been removed from the United States on November 21, 2018. The defendant did not report to the nearest probation office upon his release from custody or upon his return to the United States. At the time of his arrest, the defendant was in the United States illegally and was under an inactive term of federal supervised release. There is no evidence the defendant obtained permission of the Attorney General of the United States or Secretary of Homeland Security to re-apply for readmission into the United States.

On October 19, 2021, an Indictment was filed in the Western District of Texas, Austin Division, under Case No. 1:21-CR-200-LY, charging the defendant with illegally re-entering the United States. The defendant is currently detained at the Jack Harwell Detention Facility in Waco, Texas.

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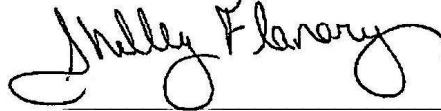
U. S. Probation Officer Recommendation: The term of supervision should be revoked.

Approved by,



Russ G. Wiedenmeyer
Supervising U.S. Probation Officer

Respectfully submitted,



Shelley Flanary
U.S. Probation Officer
Date: October 20, 2021

Received by,



Alan M. Buie
Assistant U.S. Attorney

☒ recommend ☐ does not recommend Justification: _____

=====

THE COURT ORDERS:

[] No Action

☒ The Issuance of a Warrant

[] The Issuance of a Summons

[] Other



Honorable Susan Hightower
U.S. Magistrate Judge

October 21, 2021

Date: _____